

EXHIBIT
A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

C. M. COLLINS, N. J. LUNDY and R. C. L. MAYS, individually and on behalf of all others similarly situated,

Plaintiffs,

VS.

**CATASTROPHE RESPONSE UNIT,
INC. and CATASTROPHE RESPONSE
UNIT USA, INC.,**

Defendants.

CIVIL ACTION NO. 4:22-cv-1073

DECLARATION OF MONTE K. HURST

I, Monte K. Hurst, declare that the following statements are true and correct, and based on my personal knowledge.

1. My name is Monte K. Hurst. I am over 18 years of age, of sound mind, and have never been convicted of a felony. I am personally acquainted with the facts stated herein. I affirm that the following is true and correct.
2. I am a Shareholder, a Director, and Head of Litigation at the law firm of HALLETT & PERRIN, P.C. in Dallas, Texas. I am lead counsel for Defendants Catastrophe Response Unit USA, Inc. and Catastrophe Response Unit, Inc. in this matter.
3. CRU has requested each Plaintiff to produce their federal tax returns and Forms W-2 and 1099s from 2019 to the present. Attached hereto as Exhibit A.1 are true and correct copies of Plaintiffs' Responses to CRU USA's First Request for Production (for Plaintiffs Carla Collins, Nikki Lundy, and Rasheedah Mays, this is Request No. 18; for Plaintiffs Pamela James, Jill Mansfield, Sheena Nickelberry, Basil Leo Riley, III, Ashley Ruise, and Tammy Russell-Brown, this is Request No. 13).

4. On October 6, 2023, Plaintiffs' counsel e-mailed CRU's counsel requesting an extension of the deadline by which two of the Plaintiffs must respond to written discovery requests. In that e-mail message, Plaintiffs' counsel represented that he was waiting to receive the tax returns from those two Plaintiffs so that he could respond to the discovery requests. Attached hereto as Exhibit A.2 is a true and correct copy of the e-mail message from Kerry O'Brien to me on October 6, 2023.
5. On November 21, 2023, Plaintiffs' counsel represented the following in an e-mail message to the Court: (a) Plaintiff Basil Leo Riley, III stated in both his interrogatory responses and deposition testimony that he had continued to work for another company during his approximately first two months with CRU; (b) Plaintiffs agree that those records may concern the claims and defenses in this case; and (c) Plaintiffs' counsel were working with Mr. Riley to promptly produce any tax forms and pay stubs in his possession, custody, or control that concern that concurrent employment. Attached hereto as Exhibit A.3 is a true and correct copy of the e-mail message from Kerry O'Brien to Lori Munoz on November 21, 2023.
6. On November 27, 2023, the parties' counsel participated in a telephone conference with the Court. Through good-faith discussions between counsel after the telephone conference, the parties agreed to the following:
 - a. Plaintiffs will, by December 8, 2023, remove their objections to the Defendants' requests for production seeking tax information specifically as to the eight identified Plaintiffs' W-2s, 1099s, and T4A-NR for Tax Years 2019, 2020, 2021, and 2022, and respond in accordance with the Federal Rules of Civil Procedure.
 - b. Plaintiffs will, by December 8, 2023, produce for each Facebook account that Plaintiff Carla Collins manages, all of the items under each of the following subfolders under Ms. Collins' Facebook Activity Log, for days when she claimed to have been working for CRU, in HTML format:
 - Your Posts;
 - Messages;
 - Comments and reactions;
 - Stories;
 - Groups;
 - Pages;
 - Events; and
 - Other activity.

Attached hereto as Exhibit A.4 are true and correct copies of my letter to Kerry O'Brien on November 30, 2023 as well as the corresponding e-mail message exchange between Mr. O'Brien and me on December 4, 2023.

7. On December 14, 2023, Plaintiff Tammy Russell-Brown committed to produce all of her Forms 1099 and W-2 by December 28, 2023. Attached hereto as Exhibit A.5 is a true and correct copy of Ms. Russell-Brown's Response to CRU USA's First Request for Production No. 13.
8. On December 14, 2023, Plaintiffs committed to produce by December 28, 2023, any of the Plaintiffs' résumés that had not already been produced. Attached hereto as Exhibit A.6 are true and correct copies of each Plaintiffs' Responses to CRU's Second Request for Production No. 7.
9. On December 14, 2023, Plaintiffs served CRU with "All Plaintiffs' and Opt-Ins' Responses to CRU, Inc.'s 1st Request for Admissions," in which Plaintiff Rasheedah Mays denied CRU's Request for Admission No. 2. Attached hereto as Exhibit A.7 is a true and correct copy of Ms. Mays' response to CRU's Request for Admission No. 2, in All Plaintiffs' and Opt-Ins' Responses to CRU Inc.'s 1st Request for Admissions.
10. We learned through depositions that multiple Plaintiffs have additional résumés that they had not been produced in discovery. For this reason, CRU requested (in Request No. 7 of CRU's Second Set of Requests for Production) the production of *all* résumés from the Plaintiffs, not only the one résumé they initially produced. Not a single Plaintiff has produced a résumé following CRU's request for all résumés that Plaintiffs had not previously produced, nor has a single Plaintiff represented that no such document exists. *See* Ex. A.6, Pls.' Resp. to CRU's Second Req. for Produc. No. 7.
11. Although Plaintiff Basil Leo Riley, III was asked by CRU (in Request No. 8 of CRU's First Set of Requests for Production) to produce any paystubs for payments he received from July 1, 2021 through September 30, 2022. Mr. Riley has still not produced anything in response to this Request. Attached hereto as Exhibit A.8 is a true and correct copy of Mr. Riley's response to Request No. 8 in Basil Leo Riley, III's Response to CRU's First Request for Production.
12. CRU has still not received the following:
 - Any Forms W-2 and/or 1099 for Plaintiff Rasheedah Mays;
 - Any Forms W-2 and/or 1099 for Plaintiff Tammy Russell-Brown;
 - Any Forms W-2 and/or 1099 for Plaintiff Sheena Nickelberry for 2020; or
 - Any Forms W-2 and/or 1099 for Plaintiff Jill Mansfield for 2022.

13. Plaintiffs Rasheedah Mays, Sheena Nickelberry, and Jill Mansfield have failed to produce Forms W-2 and/or 1099 for years during which, according to their respective résumés, they provided adjusting services. Attached hereto as Exhibit A.9 is a true and correct copy of Rasheedah Mays' résumé produced in discovery (Bates-labeled PLAINTIFFS 000386–000387). Attached hereto as Exhibit A.10 is a true and correct copy of Jill Mansfield's résumé produced in discovery (Bates-labeled PLAINTIFFS 000237–000239). Attached hereto as Exhibit A.11 is a true and correct copy of Sheena Nickelberry's résumé produced in discovery (Bates-labeled PLAINTIFFS 000380–000385).
14. Plaintiff Tammy Russell-Brown has still not produced any of her résumés in this litigation.
15. CRU's legal team downloaded Tax Return Transcripts from the IRS website from 2020 to 2022. As we learned from this exercise, downloading a Tax Return Transcript takes very little time and is free of charge.
16. Plaintiff Carla Collins made 183 posts/comments/reactions from "Carla Collins," one of her many Facebook accounts, on August 9, 2021, a day on which she claimed to have worked for CRU. One of Ms. Collins' posts on August 9, 2021, is a Facebook Live video totaling 90 minutes. Attached hereto as Exhibit A.12 are true and correct copies of excerpts from printouts of Carla Collins' 183 posts/comments/reactions on Facebook on August 9, 2021, that were produced in discovery (PLAINTIFFS 000737).
17. Prior to Plaintiffs' discovery production on December 19, 2023, CRU's counsel knew of only 22 of Ms. Collins' 183 posts/comments/reactions on August 9, 2021, from her "Carla Collins" Facebook account. Attached hereto as Exhibit A.13 are true, correct and authentic screenshots taken by me of Ms. Collins' public Facebook posts/comments on August 9, 2021, from her "Carla Collins" Facebook account.
18. On December 1, 2023, Plaintiff Carla Collins posted a picture from her "Marie Collins" Facebook account. Attached hereto as Exhibit A.14 is a true, correct and authentic screenshot taken by me of Ms. Collins' public Facebook post on December 1, 2023, from her "Marie Collins" Facebook account.
19. On December 1, 2023, Plaintiff Carla Collins made a post from her "Carla Marie The Goddess" Facebook account. Attached hereto as Exhibit A.15 is a true, correct and authentic screenshot taken by me of Ms. Collins' public Facebook post on December 1, 2023, from her "Carla Marie The Goddess" Facebook account.

20. On December 6, 2023, Plaintiff Carla Collins posted a picture from her “Shesus Christiana” Facebook account. Attached hereto as Exhibit A.16 is a true, correct and authentic screenshot taken by me of Ms. Collins’ public Facebook post on December 6, 2023, from her “Shesus Christiana” Facebook account.
21. In his Declaration of Travis Gasper, in support of Plaintiffs’ Response to Defendants’ Emergency Motion to Compel Discovery and to Extend Deadline to File Response in Opposition to Plaintiffs’ Motion for Notice, (Dkt. #47-1), Plaintiffs’ counsel Travis Gasper represented that they could not produce Plaintiff Carla Collins’ Facebook messages because Facebook does not allow Ms. Collins to limit a download to messages exchanged between her and another specific person, and thus culling through all of Ms. Collins’ messages to redact names of domestic violence victims with whom she exchanged messages would prove far too time-consuming and technologically challenging.
22. In response to Mr. Gasper’s representations, CRU’s legal team completed a download of one of the team member’s Facebook messages. We learned that Facebook maintains in separate folders all direct messages exchanged between a Facebook user and each other Facebook user with whom they exchanged messages. When a Facebook user asks Facebook to send to them all Facebook direct messages sent to or received by them over a certain period of time, Facebook responds by sending the requesting party all of those folders, each one of which is labeled with the name of the individual (or the names of the multiple individuals) with whom the requesting user exchanged messages.
23. On December 28, 2023, I proposed to Plaintiffs’ counsel specific and logical terms for an “Attorneys’ Eyes Only” (“AEO”) provision that would provide for an AEO designation for documents that only the receiving party’s counsel, and not the receiving party itself, could review, as well as a means to challenge the designation. Plaintiffs’ counsel has refused to agree to such a provision. Attached hereto as Exhibit A.17 is a true and correct copy of my e-mail message to Kerry O’Brien on December 28, 2023.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED in Washtenaw County, State of Michigan, on this 9th day of February 2024.

Monte K. Hurst
MONTE K. HURST